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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/565,747

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Marc Seidel

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02/20/2009

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EXAMINER

BUCKLE JR, JAMES J

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

02/20/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/565,747	<b>Applicant(s)</b> SEIDEL, MARC	
	<b>Examiner</b> JAMES J. BUCKLE JR	<b>Art Unit</b> 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The following is a Non-Final Office action in response to communication received on January 26, 2009. Claims have been amended. Claims 13-17 have been added. Currently claims 1-17 are pending and examined below.

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/26/2009 has been entered.

#### ***Drawings***

2. Figures 4 and 5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Response to Amendment***

3. Applicant's amendments are sufficient to overcome the claim objections made in the previous office action.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-3, 6-8 and 13, 16-17 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's Admitted Prior Art referred to here within as (AAPA).

6. Regarding claims 1 and 13, AAPA discloses a tower (Fig. 5, Page 2, lines 19-29), for a wind energy turbine, comprising a first tower segment (1) having a wall comprising concrete material and a second tower segment (3) having a wall comprising steel, wherein the wall of the second tower segment comprises an end portion embedded in an embedment portion of the wall of the first tower segment, and wherein the second tower segment within its embedded end portion comprises a plurality of anchoring elements (5,6) projecting radially from an inner surface of the wall of the second tower segment as well as the outer surface, the plurality of anchoring elements being arranged along an axial direction of the second tower segment to prevent internal force concentrations within the wall of the first tower segment.

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7. Regarding claims 2 and 3, AAPA discloses the first and second tower segment as being tubular (Page 2, lines 19-29).

8. Regarding claims 6-7 and 16-17, AAPA discloses the plurality of anchoring elements 5 and 6 extend contiguously in a circumferential direction of the “tubular” second tower segment and comprise annular portions. The elements 5,6 are next to each other and , thus are continuous. Further 6, is disclosed as being a ring. Therefore, it has an annular portion.

9. Regarding claim 8, AAPA discloses the plurality of anchoring elements being welded to the wall of the second tower segment (Fig. 5)

### ***Claim Rejections - 35 USC § 103***

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 1-3 and 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson (4,272,929) in view of Applicant's Admitted Prior Art (AAPA).

12. Regarding claims 1 and 13, Hanson discloses a tower (Fig. 1) for a wind generator comprising a first tower segment (18) having a wall (Wall) comprising concrete material (Col.2, line 21) and a second tower segment (12) having a wall, wherein the wall of the second tower segment (12) comprises an end portion (End Portion) embedded in an embedment portion of the wall (Wall) of the first tower segment (18) and wherein the second tower segment (12) within its embedded end

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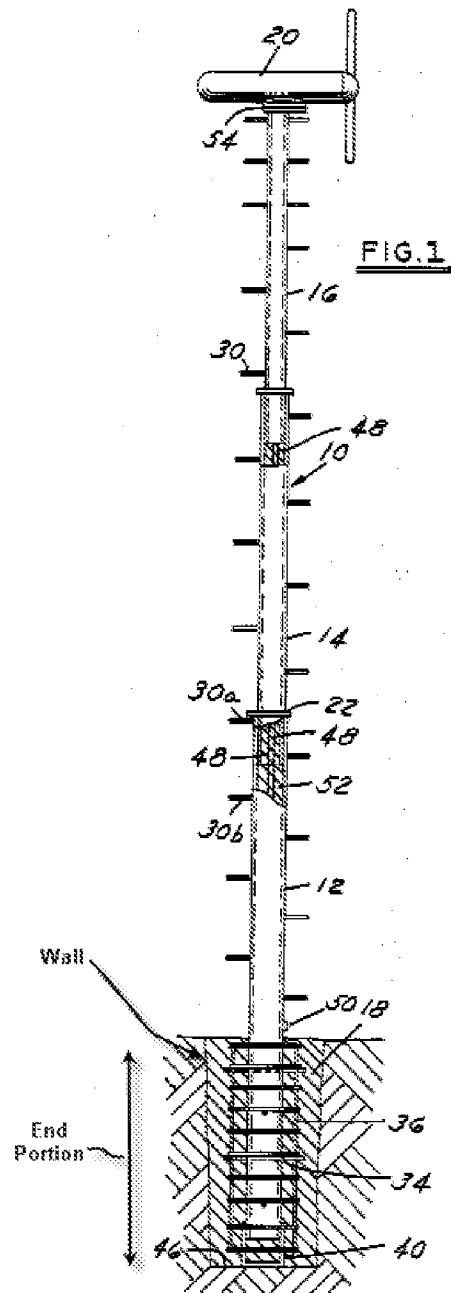
portion comprises a plurality of anchoring elements (34,36) projecting radially from an outer surface of the wall of the second tower segment (12), the plurality of anchoring elements being arranged along an axial direction of the second tower segment.

Hanson does not distinctly disclose the wall as comprising steel or the a plurality of anchoring elements projecting radially from an inner surface of the wall. However, AAPA teaches in Fig. 5, Item 3 and page 2 Lines 19-20 a tubular steel tower and a plurality of anchoring elements (Items 5 and 6) projecting radially from an inner surface of the wall that is capable of preventing an internal force of concentrations within the wall of the first tower segment. . Steel is commonly utilized material in the building industry to provide strength and rigidity to structures. The tubular tower comprising steel as taught by AAPA can be used to provide strength and rigidity for tall, heavy or large towers that support street lighting or freeway signs and a plurality of anchors to prevent the tower from vertical displacement. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to modify the tubular tower of Hanson with steel as taught by AAPA to provide strength and rigidity to enhance the overall strength and rigidity of the structure and ensure stability of the second tower segment within the embedment portion.

13. Regarding claim 2, Hanson discloses the tower of Claim 1, wherein the first tower segment is tubular, and cylindrical (Col. 2, lines 18-27).

14. Regarding claim 3, Hanson discloses the tower of Claim 1, wherein the second tower segment is tubular and cylindrical (Column 2, Lines 18-27).

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Reproduced from U.S. Patent No. 4,272,929

15. Regarding claim 9, Hanson discloses the wall of the first tower segment (18) further comprising a reinforcement element (40) in its embedment portion.

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16. Regarding claim 10, Hanson discloses the first tower segment that comprises concrete its embedment end portion but does not specify the concrete as being “pre-stressed”. However, It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a pre-stressed concrete, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. Further, pre-stressing will increase the strength of the concrete.

17. Regarding claim 11, Hanson discloses the first tower segment comprising "pre-stressing" element (36) axially extending through at least the embedment portion and arranged so as to face the outer surface of the embedded end portion of the second tower segment (12). The examiner notes the limitation of the elements being "pre-stressed" does not add structure to the elements.

18. Regarding claim 12, Hanson disclose the plurality of anchoring elements (34) that are arranged at the surface of the embedded end portion of the wall of the second tower segment and adjacent to the "pre-stressing elements (36) of the first tower segment (18).

19. Claims 4, 5, 8 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson (4,272,929) and Applicant's Admitted Prior Art (AAPA), further in view of Singleton et al. (U.S. Patent No. 2,987,855)



20. Regarding claims 4, 5, 8 and 14-15, Hanson and AAPA discloses a tower as set forth above with a plurality of anchoring elements (5 and 6) having a free end portion opposite to the wall of the second tower segment but does not disclose the free end portion being enlarged. However, Singleton et al. teaches that it is known to have a plurality of anchoring elements (Item 11, Fig. 1 and 3) welded to a surface of another structure that has an enlarged end portion comprising a headed stud (15), that is better suited to strengthen and help counteract forces as well as to attach another concrete that surrounds the structure for a more composite construction system. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to modify the tower as disclosed by Hanson and AAPA with the anchoring elements as taught by Singleton et al. to have a stronger composite construction system.

### ***Response to Arguments***

21. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection, with a greater pull out strength.

### ***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES J. BUCKLE JR whose telephone number is (571)270-3739. The examiner can normally be reached on Monday-Thursday, Alternating Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian Glessner  
Examiner  
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JJB

/Brian E. Glessner/  
Supervisory Patent Examiner, Art Unit 3633